

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ARNAYIS FRANKLIN,**  
**Plaintiff,**

**v.**

**1:05-CV-0789  
(GLS/DRH)**

**STATE OF NEW YORK et. al,**  
**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Mainetti, Mainetti Law Firm  
P.O. BOX 3058  
303 Clinton Avenue  
Kingston, New York 12401

EDWARD C. BRUNO, ESQ.

**FOR THE DEFENDANT:**

HON. ELIOT SPITZER  
Attorney General, State of New York  
Albany Office  
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Albany, New York 12224

KELLY L. MUNKWITZ  
Assistant Attorney General

**Gary L. Sharpe**  
**U.S. District Judge**

## **DECISION AND ORDER**

### **I. Introduction**

After reviewing the motion papers and plaintiff's letter indicating that he does not intend to oppose the motion, the complaint is hereby dismissed in its entirety as to all defendants whether represented or unrepresented for the reasons articulated in defendants' motion to dismiss. Accordingly, the complaint is dismissed in its entirety.

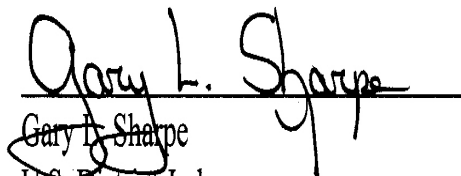
Wherefore, it is

**ORDERED** that the complaint is dismissed in its entirety; and it is further

**ORDERED** that the Clerk of the Court serve a copy of this Order upon the parties.

It is so ordered.

October 14, 2005  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge